GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

High Court of Andhra Pradesh - Addition of New Rule i.e., 35-E (i) to (v) in the criminal rules of practice and circular orders, 1990 - Amendment - Orders - Issued.

LAW (L,L.A &J- HOME (COURTS.B) DEPARTMENT

G.O.Rt.No.687 Dated:16.08.2024

Read :-

From the Registrar General, High Court of Andhra Pradesh, ROC.No.668/SO/2022, dated 20.03.2024.

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ORDER:

In the circumstances reported by the Registrar General, High Court of Andhra Pradesh in the reference read above, Government after examination of the matter, hereby accord permission to the Registrar General, High Court of Andhra Pradesh, to amend the Criminal Rules of Practice and Circular Orders, 1990 in terms of order dated: 01.11.2022 in Contempt Petition (Civil) No.555 of 2022 in Special Leave Petition (CRL.) No. 5073 of 2011 (State of Karnataka by Nonavinakere Police v.Shivanna @ Tarkari Shivanna).

2. Accordingly, the following Notification will be published in an Extraordinary issue of the Andhra Pradesh Gazette, dated:16. 08.2024.

NOTIFICATION

In exercise of the powers conferred by Article 227 of the Constitution of India, and Section 523 Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) and of all other powers hereunto enabling and with the previous approval of the Governor of Andhra Pradesh, the High Court of Andhra Pradesh hereby makes the following amendment to the Criminal Rules of Practice and Circular Orders, 1990 by adding Rule 35-E (i) to (v).

AMENDMENT

After rule 35 D, of the Criminal Rules of Practice and Circular Orders, 1990 the following shall be added namely,-

RULE 35-E:

STEPS TO BE TAKEN ON RECEIPT OF INFORMATION RELATING TO THE COMMISSION OF OFFENCE OF RAPE:

i. Upon receipt of information relating to the commission of offence of rape, the investigating officer shall make immediate steps to take the victim to any Metropolitan Magistrate or Judicial Magistrate, for the purpose of recording her statement under Section 183 Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) A copy of the statement under Section 183 Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) shall be handed over to the investigating officer immediately with a specific direction that the contents of such statement under Section 183 Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) shall not be disclosed to any person till cognizance is taken by the court and at the stage contemplated by sections 230 and 231 Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) and not before.

ii. The investigating officer shall as far as possible take the victim to the nearest Lady Metropolitan Magistrate or Lady Judicial Magistrate.

(P.T.O)

iii. The investigating officer shall record specifically the date and the time at which he learnt about the commission of the offence of rape and the date and time at which he took the victim to the Lady Metropolitan Magistrate or Lady Judicial Magistrate as aforesaid.

iv. If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the investigating officer shall record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate.

v. Medical examination of the victim: Section 184 Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) imposes an obligation on the part of investigating officer to get the victim of the rape immediately medically examined. A copy of the report of such medical examination shall be immediately handed over to the Magistrate, who records the statement of the victim under Section 183 Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) "

3. The Registrar General, High Court of Andhra Pradesh shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Registrar General, High Court of Andhra Pradesh, Nelapadu, Amaravati.
The Commissioner of Printing, State of Andhra Pradesh,
Muthyalampadu, Vijayawada (w.e.) with a request to publish and
send copy of the Gazette Notification of the Government.

Copy to:-
The Registrar (Judicial), Registrar General,
High Court of Andhra Pradesh, Nelapadu.
The Law (C)Department.
SF/SC(2416158).

// FORWARDED::BY ORDER//

V. S. H. Seshagiri Raju
SECTION OFFICER